



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,443	06/22/2005	Robin L Polt	920214.00005	1404
26735	7590	01/25/2008	EXAMINER	
QUARLES & BRADY LLP 33 E. MAIN ST, SUITE 900 P.O BOX 2113 MADISON, WI 53701-2113			GROSS, CHRISTOPHER M	
		ART UNIT	PAPER NUMBER	
		1639		
		MAIL DATE	DELIVERY MODE	
		01/25/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO. <b>10540443</b>	FILING DATE <b>6/22/2005</b>	FIRST NAMED INVENTOR <b>POLT ET AL.</b>	ATTORNEY DOCKET NO. <b>920214.00005</b>
------------------------------------	---------------------------------	--	--

EXAMINER

Christopher M. Gross

ART UNIT	PAPER
----------	-------

1639                  20080110

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

see attached

MARK L. SHIBUYA  
PRIMARY EXAMINER

## COMMUNICATION

The communication filed on 10/29/2007 is not fully responsive to the prior Office Action because a statement, see p 11(10/29/2007), that the computer readable form (CRF) and the printed sequence (SEQLIST) listing do not contain new matter in accordance with 37 CFR 1.821(g) is missing.

In this regard, the examiner notes that SEQ ID 34 is drawn the genus Tyr-Xaa-Gly-Phe-Leu with Xaa being any naturally occurring amino acid. In contrast, the "Message" sequences in table 2 of the present specification, are drawn to the species of Tyr-(D)-Thr-Gly-Phe-Leu. Support for the entire genus is could not be found in the disclosure as filed. Similar issues concern SEQ ID 31-33 and 35.

The foregoing analysis should not to be deemed exhaustive, however as there may be other SEQ IDs for which support under 35 USC 112 first paragraph may be lacking. Applicant is requested to carefully consider whether support for each of the newly submitted SEQ IDs exists in the specification as filed and/or submit a substitute sequence listing.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE(1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

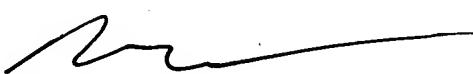
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Gross whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on 571 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross  
Examiner  
Art Unit 1639

cg



MARK L. SHIBUYA  
PRIMARY EXAMINER

<b>Notice to Comply</b>	Application No.	Applicant(s)
	10540443	POLT ET AL.
	Examiner	Art Unit
	Christopher M. Gross	1639

## **NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: see attached PTO-90 Communication

### **Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the specification.**
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

PatentIn Software Program Support

Technical Assistance..... 703-287-0200

To Purchase PatentIn Software..... 703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**